

FORM PCT/1390 (Modified)  
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US);  
CONCERNING A FILING UNDER 35 U.S.C. 371

19036/37256

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/763836

INTERNATIONAL APPLICATION NO.

PCT/JP99/03682

INTERNATIONAL FILING DATE

07 July 1999

PRIORITY DATE CLAIMED

27 August 1998

TITLE OF INVENTION

NUCLEIC ACID SEQUENCE FOR POTENTIATING THE EXPRESSION OF USEFUL GENE AND METHOD THEREFOR

APPLICANT(S) FOR DO/EO/US

YAMADA, Osamu; YOSHIDA, Hiroshi; ZHANG, Jing

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 20 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
20. ☒ Other items or information:

Sequence Listing, computer readable format and paper copy

Translation of Annexes related to an amendment to the specification pursuant to PCT Article 34

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.492(a)(1))	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
09/763838	PCT/JP99/03682	19036/37156

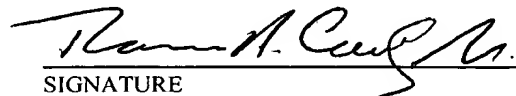
21. The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :					
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1,000.00					
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00					
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00					
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00					
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$860.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	43 - 20 =	23	x \$18.00	\$414.00	
Independent claims	5 - 3 =	2	x \$80.00	\$160.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>				\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$1,434.00	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable) <input type="checkbox"/>				\$0.00	
SUBTOTAL =				\$1,434.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$0.00	
TOTAL NATIONAL FEE =				\$1,434.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable) <input type="checkbox"/>				\$0.00	
TOTAL FEES ENCLOSED =				\$1,434.00	
				Amount to be: refunded	\$
				charged	\$

- ☒ A check in the amount of **\$1,434.00** to cover the above fees is enclosed.
- ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **13-2855** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

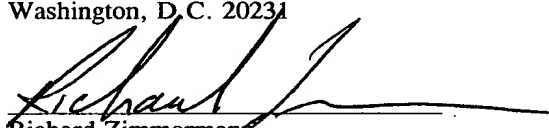
GASS, David A.  
Marshall, O'Toole, Gerstein, Murray & Borun  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606  
United States of America

  
SIGNATURE  
Thomas A. Cawley, Jr., PhD.  
NAME  
40,944  
REGISTRATION NUMBER  
2-27-2001  
DATE

9/763836

## PATENT APPLICATION

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicants:	) "EXPRESS MAIL" mailing label No.
	) EL566464317US
<b>YAMADA et al.</b>	)
	) Date of Deposit:
U.S. National Phase of International	) <b>February 27, 2001</b>
Application No. PCT/JP99/03682 filed under	)
35 U.S.C. §371	) I hereby certify that this paper (or fee) is being
	) deposited with the United States Postal Service
International Filing Date: 08 July 1999	) "EXPRESS MAIL POST OFFICE TO
	) ADDRESSEE" service under 37 CFR §1.10 on
Filed: Herewith	) the date indicated above and is addressed to:
	) <b>Commissioner for Patents, Box PCT,</b>
For: <b>Nucleic Acid Sequence for Potentiating</b>	) <b>Washington, D. C. 20231</b>
<b>The Expression of Useful Gene and Method</b>	)
<b>Therefor</b>	)
	) 
Group Art Unit: Unknown	) <b>Richard Zimmermann</b>
	)
Examiner: Unknown	)
	)
Attorney Docket No. 19036/37156	)


## CERTIFICATION UNDER 37 CFR 1.10

Box PCT  
*Commissioner for Patents*  
*Washington, D.C. 20231*

I hereby certify the attached items are being deposited with the United States Postal Service on February 27, 2001 in an envelope addressed to Box PCT, Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing No. EL566464317US:

- a. Transmittal letter to the United States Designated/Elected Office (DO/EO/US) concerning a filing under 35 U.S.C. 371;
- b. English translation of Intl. Appl. No. PCT/JP99/03682 as originally filed;
- c. Translation of Amendment to the Specification of PCT/JP99/03682 as amended under PCT Article 34;
- d. Statement pursuant 37 C.F.R. §1.821; computer readable sequence listing; paper copy of sequence listing;

- e. Information Disclosure Statement and Form PTO-1449;
- f. Preliminary Amendment Accompanying New Application Transmittal;
- g. A check in the amount of \$1434.00.

  
Richard Zimmermann

Date: February 27, 2001